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*The
Sam Ervin
I Know*



by Jean Conyers Ervin

NORTH CAROLINIANA SOCIETY IMPRINTS
NUMBER 4

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five hundred copies
of which this is number*

499

NORTH CAROLINIANA SOCIETY IMPRINTS

H. G. Jones, Editor

No. 1. *An Evening at Monticello: An Essay in Reflection* (1978)
by Edwin M. Gill

No. 2. *The Paul Green I Know* (1978)
by Elizabeth Lay Green

No. 3. *The Albert Coates I Know* (1979)
by Gladys Hall Coates

No. 4. *The Sam Ervin I Know* (1980)
by Jean Conyers Ervin

The Sam Ervin I Know



by Jean Conyers Ervin
Jean Conyers Ervin

*Together with Proceedings of a Banquet on the Occasion of Senator Ervin's
Acceptance of the North Caroliniana Society Award and the Celebration of
the 56th Anniversary of His Marriage to "Miss Margaret"*

Chapel Hill
NORTH CAROLINIANA SOCIETY, INC.
1980

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The North Caroliniana Society

honors

Sam J. Ervin, Jr.

Carolina Inn

Friday, June 20, 1980

Master of Ceremonies

Dr. H. G. Jones, Secretary of the Society

Introduction of Head Table

Dinner

Tributes to Senator Ervin

From his Schoolmates Albert Coates
From his Staff Harry Canton
From his Fellow Jurists Dan K. Mason

"The Sam Ervin I Know"

by

A Friend of Sam Ervin

Presentation of the North Caroliniana Society Award

by

Arthur K. Davis, Founding Member of the Society

Acceptance

by

Senator Ervin

IN MEMORY OF THREE MEMBERS LOST DURING THE PAST YEAR: H. S. McPherson August 10; Louis R. and William D. Williams December 10; Edward W. Plafie Jr. February 19. Their services to their state are lasting monuments.

The North Caroliniana Society,
in recognition of his public service and
of his promotion, enhancement, production and
preservation of the literature of his native state,
presents its
North Caroliniana Society Award

SAM J. ERVIN, JR.

June 20, 1980

Wm. S. Powell
William S. Powell
President

H. G. Jones
H. G. Jones
Secretary-Treasurer



At top, Senator Ervin and Mrs. Dan K. Moore chuckle over remarks by Dr. Jean Ervin, the surprise main speaker. At bottom, the Senator and "Miss Margaret" greet friends at the reception.



On the evening of June 20, 1980, nearly 250 friends and relatives attended a banquet in the Carolina Inn, Chapel Hill, honoring former Senator Sam J. Ervin, Jr., on the occasion of his acceptance of the North Caroliniana Society Award for 1980 and the celebration of the 56th anniversary of his marriage to Margaret Bruce Bell. The master of ceremonies was Dr. H. G. Jones, curator of the North Carolina Collection and secretary-treasurer of the North Caroliniana Society; and brief tributes were given by Albert Coates, Dan K. Moore, Harry Gatton, and Archie K. Davis. Their remarks, along with the address of the surprise main speaker, Dr. Jean Conyers Ervin (Senator Ervin's sister), and the recipient's response, are published in this the fourth number in the North Caroliniana Society Imprints series.





DR. H. G. JONES:

Seven years ago *Time* magazine referred to Senator Sam Ervin as a “major American personality,” the subject of posters, buttons, T-shirts, and a nationwide fan club. When the Senator announced that he would not run for reelection, the weekly newsmagazine headed its story, “A Hero Steps Down.” Tonight Senator Ervin may learn just how far he stepped down.

In his final week in the Senate in December 1974, the halls of the Capitol rang with praise from his colleagues—praise that the Senator said made “an old jimson weed look like a lily.” He may be lucky to retain the looks of a jimson weed when he leaves this hall tonight.

He headed back to Morganton where he planned to watch the sunsets, do a little fishing, and catch up on his reading of fiction—particularly the *Congressional Record*. At the hands of our speakers tonight, Sam Ervin may sound like a character of fiction.

Senator Ervin, it was 63 years ago that you were graduated from this university, and one of your classmates, Justice Will Pless, was particularly pleased to receive the notice of your return, for, though he was unable to be with us, it at least solved a puzzle for him: He remembered having classes with a boy named Sam Ervin and had always wondered whatever became of him after graduation.

The North Caroliniana Society delights in humbling the great, and tonight, Senator, and your bride of 56 years plus two days, and members of your family who will be recognized later, you are among your friends—North Carolinians whom you served in public life for more than half a century—who will have a few laughs with you as they honor you. This gathering at your Alma Mater is a reminder that perhaps you did not really “step down” in 1974; you never really left us.

As is customary at an affair of this nature, there are a few people who couldn't find a seat or whose faces are so unfamiliar that they require introductions, and we have accommodated them on this platform. As I call the name of each person, will you please stand and remain standing until the entire table has been introduced, and will the audience give them absolutely no applause, even if you see somebody you know, until we get to our guests of honor.

1. The Executive Vice-President of the North Carolina Bankers Association and a former member of Senator Ervin's staff, Harry Gatton;
2. A schoolmate and longtime friend of Sam Ervin, Albert Coates;
3. The first woman to be popularly elected chief justice of a state supreme court in this nation, Susie Sharp;
4. A graduate student in history at the University of North Carolina, Archie K. Davis;
5. The quintessential first lady of North Carolina, Jeanelle Moore;
6. This fellow got in without paying, so I am going to ignore him for a moment;
7. The gracious Mary Gatton, the wife of Harry;
8. The beloved former chief justice of North Carolina, William H. Bobbitt;
9. The only person who has ever gotten in the last word around Albert Coates, his superior officer, Gladys;
10. The *other* mountain man, former governor and now associate justice of the Supreme Court of North Carolina, Dan K. Moore;

And now, will you join in a warm welcome to these platform guests, but especially to our guests of honor, Miss Margaret, and Senator Sam.

Please visit with your neighbors and proceed with your dinner. We will be back for dessert.

[Dinner followed.]

June 20 is an important date in history.

For instance, on June 20, 1580, in London a young courtier had just been released from prison for fighting a Mr. Wingfield on the tennis court at Westminster. His name was Walter Raleigh.

On June 20, 1680, the governor of Carolina, Seth Sothel, remained imprisoned in Algiers, a victim of capture by pirates while on his way to America.

On June 20, 1780, Colonel Francis Locke and Major Joseph McDowell, the latter from Quaker Meadows just outside Morganton, led a band of Patriots to victory over a larger force of Tories at Ramsour's Mill in Lincoln County.

On June 20, 1880, exactly a hundred years ago, citizens of western North Carolina were reading in the Morganton *Blue Ridge Blade* that the firm of Geo. N. Folk and S. J. Ervin, attorneys at law, "Will practice in the counties of Burke, Caldwell, Catawba, Mitchell and McDowell or elsewhere when their services are desired. Prompt attention given any business entrusted to them."

But, to tell the truth, we chose June 20, 1980, for this ceremony because it is the Friday nearest to a more important date, June 18, which was the *real* 56th anniversary of the marriage of Sam Ervin and Margaret Bruce Bell. And, to help them celebrate tonight, we have a cake. As the cake reaches the head table, will you stand and join in the singing of "Happy Anniversary" to Senator Sam and Miss Margaret.

[The audience stood and sang.]

Senator and Mrs. Ervin, in addition to the nearly 250 friends here to greet you in person, many others sent their regrets for a variety of reasons. For instance, Victor Bryant is in England, R. O. Tilman is in Asia, C. C. Hope, Jr., is speaking at Rutgers University, and Judge James B. McMillan is on the west coast. Senator Julian Allsbrook is recovering from a fall, and Representative Martin Lancaster, who wrote that his summer internship on your Constitutional Rights Committee was "one of the highlights of my life," is recovering from the current session of the General Assembly. Paul Green, the very first recipient of the North Caroliniana Society Award, is in Kentucky in connection with one of his outdoor dramas.

Chancellor Chris Fordham sent his special regrets that his official duties required his presence elsewhere, and President William

Friday is attending an out-of-state meeting of the Southern Regional Education Board. I do, however, want to read this paragraph from President Friday's letter:

"Will you please convey to the assemblage our profound appreciation for the splendid service and exemplary life of Sam Ervin. He is indeed one of the most distinguished men North Carolina has produced in its long history of distinguished persons. The University is grateful for his many manifestations of loyalty and good will."

Present tonight are members of Senator and Mrs. Ervin's family. We tried to get most of them together, and I want to recognize several individually and others as a group:

1. The Senator's sisters, Jean and Eunice Ervin;
2. Senator and Mrs. Ervin's son, Federal Circuit Judge Sam J. Ervin III and his wife Betty and children, Jimmy, Bobby, and Betsy, and their AFS visiting student from Japan, Satoko Yamagata; and
3. Senator and Mrs. Ervin's daughter, Laura Smith and her husband, Bill.

Their other daughter, Leslie (Mrs. Gerald Hansler of New Jersey) could not be with us but she sends her love.

In addition, there are a number of cousins, nephews, and other relatives here, so would everyone kin to Sam or Margaret Ervin please stand.

Somewhere in the room is a guest book; will you please sign and pass it along so that Senator and Mrs. Ervin will have a record of your participation.

We now arrive at the moment when a lifetime of dedication and accomplishment may be in jeopardy. Each of our three preliminary speakers knows a different Sam Ervin—or rather knows Sam Ervin in a different way. Each has seen him under different circumstances, in good times and bad. The career of each has been touched by his life.

Albert Coates's memory of Sam Ervin goes back two thirds of a century. If we would let him, he could give a discourse on each of those 66 years. But, Albert, you have had your night; this is your friend Sam's. Ladies and gentlemen, the founder of the Institute of Government, the winner of the Peace Oratorical Contest in wartime, a schoolmate of Sam Ervin's, Albert Coates.



ALBERT COATES:

Sam Ervin was in the class of 1917 of the University of North Carolina at Chapel Hill and I was in the class of 1918, in a student body of 800 that grew to 1,000, where everybody knew everybody else. The fact that I was his college mate explains why I am on this program tonight.

Under Sam Ervin's picture in the UNC *Yackety-Yack* his senior year, the editors wrote this description of him as he appeared to his fellow students: "Everything he meets responds, and at once a sympathetic friendship ensues. Like Midas, he has that magic touch which makes everyone he meets his friend; and consequently he is liked by all." This judgment, passed on him by his fellow students in 1917, was approved by his fellow citizens in steadily widening areas in later years, by calling him time after time away from his private practice of the law to represent them in public positions of trust and confidence: as member of the General Assembly of North Carolina from his county, as judge of his county recorder's court, as judge of the superior court of his judicial district, as Congressman in 1946, as justice of the Supreme Court of North Carolina, and as United States Senator.

If I had to pick what, to my way of thinking, is the finest hour of his life, I would pick the hour on the 18th day of July in 1917 in the battle of Soissons in World War I when the 28th Infantry was halted by machine gun fire from an emplacement one hundred yards ahead. Most of the officers of the company had been killed. At this point twenty-two-year-old Sam Ervin called for volunteers to charge the blazing machine gun. Four men responded. Here is an affidavit of one of those men: "One man was mortally wounded. Another was killed. Ervin was knocked down by a shell fragment in front of the

gun. The two remaining reached the machine gun, killed its crew, seized the gun We went back to Ervin and bandaged his wounds to stop the flow of blood and wanted to carry him back to safety, but he refused to be assisted and told us to go back and join the other soldiers Though wounded so severely he was unable to walk, he refused to go to the rear, but crawled back and organized an advance automatic rifle post where he remained on duty until all danger of a hostile counter attack was over." This performance won the Distinguished Service Cross for "extraordinary heroism in action" and for "exceptional initiative, courage, and leadership which were an inspiration to his comrades."

If I had to pick out what, to my way of thinking, is the finest pattern of activities in his life it would be in standing up to be counted for the way of life outlined in the Constitution and the Bill of Rights.

He stood up to be counted on the floor of the North Carolina General Assembly in protest against a bill to curb freedom to teach the theory of evolution in the public schools, saying that the only thing good to be said about it was that it went as far as a legislature could go to absolve the monkey from responsibility for the actions of the human race.

He stood up to be counted on the floor of the United States Senate in support of a Senate resolution to censure Joseph McCarthy of Wisconsin for hiding behind a senator's immunity from prosecution while he smeared the reputations and characters of American citizens with unsubstantiated charges and intimidating tactics—a history-making speech which was the beginning of the end of "the McCarthy era" in American life.

He stood up to be counted on the floor of the United States Senate for twenty years thereafter in protest against such measures as:

A bill permitting police to break into a person's house by day or night "without knocking."

A bill denying the right to bail to persons whom the police "suspected" would commit crimes while out on bail.

Post office regulations permitting the opening of sealed letters "suspected" of containing narcotics, lottery tickets, or pornographic pictures.

Bureaucratic regulations permitting sophisticated surveillance techniques and the use of the computer and data banks in ways

violating a person's right to privacy.

Government employment agency regulations permitting probing questions about religion, family, and sexual matters, or calling for the disclosure of personal finances and creditors of employees and their relatives, and other matters having nothing to do with their jobs.

Activities of military agencies in "collecting files on private citizens" and spying on American citizens in public and private assemblies.

If I had to pick out what, to my way of thinking, is the finest accolade of a lifetime it would be the tribute of the Majority Leader of the United States Senate on the 8th day of February 1973 in picking him to head the most important Senate committee of this generation—the Senate Select Committee on the Watergate Affair—giving as his reason: "We are looking for a good, fair, impartial investigation, and Sam Ervin is the only man we could have picked on either side of the aisle who would have the respect of the Senate as a whole."

That statement was rooted in a twenty-year record of day-to-day work by Sam Ervin with his fellow senators who knew him well in committee and on the floor. They had found that he knew his business, loved it, and tended to it. That he moved in his own orbit—full of common sense and mother wit. That he was all of a piece—not a lot of planks nailed together, but a growing tree with the sap rising through it. That he would vote and act from forces welling up in the man himself and not from any outside influence or external pressure. In short, the United States Senate was recognizing the career of a man who was "born of the sun," has kept on walking toward the sun, and at every step along the way has "left the vivid air signed with his honor."

If I had to pick out one sentence from all his sayings characteristic of Sam Ervin throughout the comings and goings of his life, it would be a sentence which he didn't have to think up—it came to him from the certitude of his own being while he was talking to his homefolks in Morganton on returning from World War I. He had been reported as "missing in action" on the western front, and his neighbors were telling him they were so glad he had been found. "I was never lost," he told them. "I knew where I was all the time." And so it has been from that day to this.

Now that I have called your attention to the underpinning of Sam Ervin's career, let me call your attention to the underpinning of Sam Ervin. This underpinning appeared on his horizon in the person of Margaret Bell in the summer of 1916, and shortly thereafter Sam began going crazy. Margaret started going crazy too—crazy enough to wait for him while he was fighting World War I and while he was going through law school, and kept on waiting until he was making a living for two. She married him on the 18th day of June, 1924, and moved off the horizon and into the heart and center of his life—where she has stayed for 56 years and two days, yesterday and today.

You may recall the mythical story of Ariadne who fell in love with Theseus as he was starting into the labyrinth of the Minotaur and gave him a ball of thread to fasten to the inside of the door to the Minotaur's Cave and unwind as he walked into the twisting paths of the mysterious labyrinth. Margaret Bell gave Ariadne's thread to Sam Ervin when they met and fell in love. It has been unwinding ever since as he has found his way through the ins and outs, and ups and downs, and run-arounds of daily living, but it still remains unbroken and has strengthened through the years. That is why Sam Ervin can say at the celebration of his 56th wedding anniversary: "I was never lost. I knew where I was all the time."

Those of you who know of his devotion to the Bill of Rights "don't know nothing" until you know of his devotion to "Miss Margaret." If she should ever come into conflict with the Bill of Rights in Sam Ervin's mind, God help the Bill of Rights!

"Miss Margaret" knows how we feel about Sam Ervin. And now, if she will stand up, and keep standing long enough, I will bring this talk to its climactic end by giving a demonstration of the way Sam Ervin's friends feel about her.

"Miss Margaret," I shaved for forty years with a straight razor before I was converted to the electric razor of a particular brand. It is said to give a mighty smooth shave and I want you to help me test it Now—turn the other cheek



DR. JONES:

Dan K. Moore and Sam Ervin have more in common than their love for the mountains and the law. They are in many respects men of similar qualities. Neither is naturally combative, but each can spring forth when a principle is threatened. Each prefers teamwork and quiet diplomacy, but neither shrinks from leadership. When history judges our era, Dan Moore's governorship will be recognized for what it was: an era of solid progress accomplished without the customary fanfare and drumrolls. This attention to duty rather than drama has followed him to the State Supreme Court, a fitting capstone to a productive career. A longtime friend and colleague of Sam Ervin, Justice Dan K. Moore.



ASSOCIATE JUSTICE DAN K. MOORE:

We all know that Senator Sam was an outstanding Senator, but some may not know, especially our younger people, that he was also a great judge, who had a profound and lasting influence on the laws and courts of North Carolina. His opinions, written while an associate justice of our Supreme Court from 1948 to 1954, were concise, logical, and models of clarity. A layman could understand them, yet a legal scholar such as Albert Coates could find nothing to criticize. All were so thoroughly documented that each was a gold mine of information on the question involved. While I served on the court, I was always delighted to discover an opinion written by him on the point involved in my case. I knew I would have a solid foundation on which to build.

I picked one of his opinions to show how his influence has continued. In April 1954, he wrote the opinion in *State v. Betty McClain* (I hasten to add that this is not the Betty McCain from Wilson who is so active in Democratic politics today). This case is reported in 240 N.C. at page 171. The opinion first states the general rule that in a prosecution for a particular crime, the state cannot offer evidence tending to show that the accused has committed another distinct, independent, or separate offense, even though the other offense is of the same nature as the crime charged. Following this statement of the general principle, Justice Ervin sets out eight exceptions to the rule. Both the general rule and the exceptions are so logical, so well defined, and so fully supported by authorities cited from this and other jurisdictions, that this case has been followed by our court from the date of the decision to the present. Just from curiosity I checked to see how often that case had been cited in subsequent opinions. I found that it had been used in arriving at a decision in 178 other cases. So you can see how his influence in our courts, like the melody in the song, lingers on.

Lawyers from the mountains of North Carolina were taught from earliest days that Justice Ervin was one of, if not the greatest jurists North Carolina had ever produced, and two personal incidents fully convinced me that this was true.

The first involved a statement made by him to my wife, Jeanelle. At that time I was a superior court judge and he was on our Supreme Court. He told Jeanelle that I was one of the best superior court judges in the state; that he knew because he graded my examination papers, when an appeal was taken from one of my decisions. I realized then that he was not only a legal scholar but an outstanding judge of character and of legal ability!

Another incident convinced me that although he was known as a man of unshakable conviction, actually, at times like most of us, he could be quite flexible. This was illustrated by an incident which occurred early in my campaign for governor. Soon after I announced, I went to Morganton to solicit his support. Much to my delight he agreed to do what he could for me, and he really convinced me that he could be flexible when he told me that he would come out publicly *for* me, or *against* me, whichever I thought would help me most. Needless to say I wanted it to be *for*.

Seriously, it is a privilege to salute an outstanding Senator, a

great jurist and a true Christian gentleman, and to congratulate him and his beloved wife Margaret on 56 years of happy married life. I also congratulate both of them on the appointment of their son, Sam the third, to the United States Court of Appeals—another great Ervin judge of whom we are proud.

Best wishes always to the Ervin family.



DR. JONES:

Of the able men and women who have served on Sam Ervin's staff, none has a higher respect for the Senator than the leading native of Route 2, Harmony, North Carolina. Harry Gatton was executive secretary for Senator Ervin in Washington until 1960 when he became Executive Vice-President of the North Carolina Bankers Association and editor of *Tarheel Banker*. Among his many civic and cultural contributions have been the chairmanship of the North Carolina Historical Commission and membership on the American Battle Monuments Commission. Harry.



HARRY GATTON:

Senator Sam J. Ervin, Jr., occupies a unique and revered place in the annals of this state and nation.

He is universally admired for his superior intellect, integrity, compassion, rare good humor, and love of the law and the constitutional principles of our heritage.

He is with us this evening as a tall man by any measurement—physical, moral, and intellectual. As William S. White of the *New York Times* wrote of Senator Ervin: “His features are bold and his voice is easily heard across the Senate Chamber Some who observe him from day to day swear that the judicial robes fall over his shoulders when he rises to speak.”

Those of us who have had the high honor of serving Senator Ervin as staff members—and there are many of them here tonight far more eloquent to give this tribute than I—might use a term appropriate in these days of high inflation to say that we are “300 percent” for him. He and his lovely wife, the always soft-spoken and kindly lady, “Miss Margaret,” have brought us days and years of pleasure, bestowing kindness and understanding at every turn, and standing with dignity in the turmoil of politics and statesmanship. Their legacy to us is a priceless gem, an adornment of grace and love.

Senator Ervin came to Washington with his family and was given the oath of office as a United States Senator on June 11, 1954, having been appointed to the office by Governor William B. Umstead, following the death of Senator Clyde R. Hoey on May 12.

No sooner had he arrived than he was handed a burning issue in the McCarthy censure by service on the Watkins Committee. His record was widely acclaimed as a model of fairness and justice. The use of good humor was persuasive. His finely honed knowledge of the law and the traditions of the Senate catapulted the Morganton citizen to a place of eminence among his peers.

On November 15, 1954, the day of his Senate address in the McCarthy debate, we were having a meal in the Senate Office Building and I suggested to him that he might use his compelling story of Uncle Ephraim and his testimony at a religious meeting in the South Mountains of Burke County. This story appears on page 14894 in the *Congressional Record* of that date. It tells of Ephraim Swink, a Southmountaineer, who was bent and drawn with arthritis.

When pressed to testify as to what the Lord had done for him, "Uncle Ephraim arose, with his bent and distorted body, and said, 'Brother, he has mighty nigh ruint me.' "

On December 3, following the adjournment of that session of the Senate, I noted, "It has been said and written that few, if any, men have so quickly achieved the stature of Senator Ervin in the short time he has been in the Senate . . . I have seen the price an honest and sincere man has to pay to achieve . . . statesmanship . . . Senator Ervin is a man of great Christian depth. He will emerge as one of America's truly powerful Senators. I know it."

We knew we were witnessing superb performance in an hour of great division and turmoil; we saw a fearless and profound man in the performance of duty as he saw it, an Ervin characteristic.

Later, as we all know, he rose to the heights that put him in the ranks of the most admired and respected statesmen of this land.

Mary and I cherish the times we travelled with the Ervins. We share a common interest in history; we visited battlefields; we were participants in a happy time. You have not erased the memory of those relatively carefree days.

Senator Ervin's ability to remember words, both prose and poetry, events, people, dates, and all that has transpired, is safely stored in his remarkable mind. As staff members, we knew that we were witnesses to the marvel of his mind, a "computer" devoid of any failure to perform.

One day we were driving from Washington to Raleigh. On the way down, somewhere in Southside Virginia, I turned on the radio in the car. By good fortune, it was a Raleigh station which was carrying his weekly radio report to the people. The program was underway and Senator Ervin was very carefully explaining a revenue bill and his position thereon. I recognized his voice, of course, but Senator Ervin listened attentively for a few seconds, not recognizing that it was he who was speaking. Said he, "I don't know who that fellow is but I agree with him completely." When I explained that it was he, we both had a hearty laugh.

When Senator Ervin made the quiet and deliberate decision not to seek reelection but to return to Morganton, he did so against the wishes of many friends and supporters who felt that he was in fact the conscience of the Senate, the statesman in whom so many put their trust and the hero of the hour.

The day he walked out of the Senate Chamber the last time as a senior and revered Senator, many of his colleagues wept. He was returning home, unspoiled by high office, respected, and in good health in body and mind, as one of America's living heroes.

Senator Ervin, to you and "Miss Margaret," all of the staff love you and salute you on this happy occasion.

We love you because fame and national acclaim never blotted out the qualities of kindness, understanding, modesty, and friendship you have shown to us.

And remember, Uncle Ephraim would say that all of this has *not* "mighty nigh ruint you."



DR. JONES:

For the featured speaker at its annual awards ceremony, the North Caroliniana Society likes to be unorthodox. We even like to play tricks. When Paul Green received our first award in 1978, we were able to surprise him and the audience by giving his wife Elizabeth a forum for portraying aspects of the playwright that few others had known about. And what a charming word portrait she painted! For the Albert Coates ceremony last year, the surprise was not so easy, for everybody knew that after 50 years Gladys ought to have an opportunity to upstage Albert. And that she did, and his halo has been tilted ever since.

After setting this tradition of exposés by spouses, we knew it was no use trying to surprise you tonight. After all, who knows the *real* Sam Ervin better than Miss Margaret? And who, after 56 years, has better reason to reveal it all?

But a funny thing happened when we indicated our interest in

having Miss Margaret tell us about *her* Sam. She said she'd been talking to him for 56 years and it hadn't done a bit of good and someone else ought to have a chance to try to get him to listen.

And so we really do have a surprise for you. And for Senator Sam.

The press, politicians and pundits have analyzed Sam Ervin for years. Tonight he will be analyzed by a professor. Sam Ervin is noted as an orator; tonight he will be judged by a distinguished specialist in that subject. Sam Ervin has written and published much and has a new book, *The Whole Truth*, coming from Random House later this year; our speaker has a distinguished record of publications in his or her own field. Sam Ervin has lectured widely, but probably at no more institutions than our speaker who has served at the University of Virginia, George Washington University, Connecticut Teachers College, University of Connecticut, University of Missouri, University of Hawaii, and at institutions for the deaf in North Carolina, South Dakota, Utah, and New Jersey. Sam Ervin holds honorary doctorates; our speaker has an earned doctorate of philosophy from the University of Missouri. Sam Ervin had his 56th wedding anniversary two days ago; our speaker had a birthday—but I'm not going to tell you which one—five days ago. Sam Ervin was born in Morganton, North Carolina. So was our speaker. Sam Ervin's father was named Sam Ervin; so was our speaker's. Ladies and gentlemen, friends of Sam Ervin, the retired professor of speech pathology and audiology at the University of Virginia, another Ervin with a distinguished career in service to humanity, his baby sister, Dr. Jean Conyers Ervin.





THE SAM ERVIN I KNOW

By Jean Conyers Ervin

My relationship to my brother Sam is best understood if I explain that he remembers my baptism, but I don't remember seeing him there. When I was four, he was graduated from high school. When I was seven, he was graduated from the University of North Carolina and entered the Army. Now that I am 71 and enjoying retirement, he is 83 and not retired at all. He goes to his office every day; travels throughout the land making speeches to university audiences and professional groups; tries lawsuits, but only those that have special appeal for him; writes biographical sketches of his ancestors; and anticipates the publication of *The Whole Truth*, his version of the Watergate affair, by Random House in January, 1981. In addition he takes daily walks swinging a recently purchased cane which he doesn't need.



Perhaps the Ervin family in days past resembled the televised Waltons. During the years when our quota was being achieved, Morganton was a village into which the country sprawled and held sway except along the frontage of the few streets. Our back yard ravelled out into a garden, an orchard of limbertwig apple trees, and a woodland from which little pine trees encroached. There was, too, a spring that created a branch deep enough to be dammed for a swimming hole. The boys in the family, who customarily disappeared after each meal, were drawn to the woodland as if by a magnet

necessitating among the family lares and penates an enormous dinner bell that was rung to summon them back at meal times.

By present day standards, the housekeeping was primitive, the fuel for cooking and heating wood, with open fireplaces in living areas and big heaters in the bedrooms. However, the meals were sumptuous and surpassed in flavor the most gourmet of restaurants; however much was prepared, the preparation was a full-time job. A large square pan to fit the oven only held enough rolls for supper, and almost a bushel of potatoes was cooked at a time.

Naturally, there were chores to do, best performed by boys, bringing in the wood, working the garden, feeding the chickens, and milking the cow. Sam was the only one of five brothers who was unable to learn to milk. As caretaker of the calico cow, the brother who was the temporary custodian of this creature sometimes got into difficulties because she had been staked too near the row of hollyhocks customarily planted to separate the yard from the garden.

The two adjoining pantries were customarily kept locked to assure that there would be some supper, for the ball ground where the Sandy Flat team played was on the home property and the players were not averse, in times of desperate hunger, to lifting a small Ervin through the narrow windows and directing what should be handed out.

No one set of parents, of course, could bring up ten children without help, and there was always a cook who reigned dogmatically in the kitchen, usually a nurse for the current yard baby, someone who came in to do the wash on Mondays and the ironing on Tuesdays, someone to work the garden in the summer and chop the wood in the winter, and in addition to their work they were always guests for meals that fell in their work hours. One of the Queens of the Kitchen was Mrs. Polly Powell whose dynasty covered fifty years, more or less. She was still there when the house was an "empty nest," the children gone except for visiting. One summer there was a plague of ants that invaded her domain and though Sam was living in Raleigh she declared that the insect invasion was all the fault of "Mr. Sam." Asked for an explanation she cited as proof that in his childhood he had often carried out flour to sprinkle around ant hills in the yard because he thought they were hungry and he liked to watch them carry the sprinkled flour away for storage, imagining all the little households under the earth with

miniature furniture and little frying pans. She even charged that one summer he had taken care of a turkey buzzard that had been injured and had refuged in the barn loft.

Morganton, in those vanished village days, was a baseball town that long maintained its home team, partly professional and partly home grown. Everything, even the Post Office, closed to go to the games, and this keen interest was reflected in the existence of boys' baseball teams, one for each street, and six months of the year they played for championship in the baseball field that our father allowed his sons to have in the lot adjacent to our house, where Sam's house now stands. Whether he was the secretary as well as the pitcher of the Sandy Flat team is not known, but he maintained a record through the years of the games, the scores made, and the winning teams.

That Sam likes the good things of life is obvious, and he was especially noted for his liking of vanilla ice cream in his childhood. One day he and a neighbor playmate, Moran Wilson, asked permission to make ice cream, and our mother cooperated by preparing the boiled custard. He and Moran made a freezer full, and midway of enjoying the fruit of their labor, Moran got the toothache, and Sam for the only time in his life got enough vanilla ice cream.

Sam must have been very small when he had his first experience with drama. He went with the four older children to see a parade. Our father was away at the Mitchell County Court and Laura wrote him about the experience: "We went to see the parade and saw some Indians. One of them had on a velvet dress and some of the prettiest moccasins that ever were made. We could not hardly [*sic*] see the ground it was so covered with people. I took Samuel and the rest into Mrs. Boger's on the porch. There was a ten-cent show and we saw it for nothing. We were over in front of Dr. Laxton's and there we saw everything. The people which [*sic*] acted got up on high boxes & stood. The first one who came out was a man with a lot of hair stuck to his head & he pulled it as hard as he could. He said he was as strong as a lion. The next to come up was a girl or a woman with a snake wrapped around her." Laura did not record Sam's reactions.

Sam remembers going one day with our sisters, Laura and Catharine, to Miss Mary Dickson's school where he heard Lenoir Avery recite a poem about an alligator, but he admits now that he didn't then know what an alligator was.

I've been told that while Father was away practicing law in the

mountain courts, Sam felt responsible for protecting the family and that to do this he brought into the house and hid behind a door an axe.

Even at a very young age Sam saw the funny side of things and knew what would provoke laughter in his contemporaries. In those days pupils answered the roll with Bible verses and one day Sam answered the roll with Solomon's words, "I have more understanding than all my teachers." He had to stay after school.

Sam has always taken such delight in reciting poems that I have thought he memorized poetry just for fun, but this is not correct. The real reason for his vast memorized collection of poetry is that he talked in school and for this misdemeanor had to remain after school and memorize poetry. He must have talked a lot. He still does.

As a child, Sam liked to draw. He drew and cut out rabbits. I knew about them years later because one rainy day our mother showed me the rabbits, a whole baseball team of them in uniform with bats, balls, mits, caps, and guards. They could even stand up. His soldier paper dolls were correct in every detail, the blue and the grey, and he lined them up for battle. The activity developed into a preoccupation with sailors and ships, and he fabricated tiny little ships, using paper and glue to make the little objects that really were intriguing. For a long time a silver pitcher on the sideboard held a collection of them.

As in learning to milk, Sam often succeeded in minimizing family teen-age responsibilities. For example, when he was directed to take care of his little sister, Eunice, a candidate for the first grade when he was in an upper class in the same school, they walked to school together. She had no difficulty in keeping up with him, because he walked at a snail's pace, for he passed the interval from home to school with the reading of a book, occasionally pausing on the way and moving on when his charge insisted on it.

Probably children will never again play as did the Ervin children near the gold mine branch in the pine grove behind their house.



Sam entered the University of North Carolina in September, 1913, and in four years completed studies for the Bachelor of Arts degree and one year of law. He was a serious student and he was well liked. Lasting friendships were formed among the 200 men in his freshman class, and he was made permanent president of the class of 1917.

His interest in history blossomed at Chapel Hill. Letters to our mother contained information about her ancestors based on his reading of Samuel A. Ashe's *Biographical History of North Carolina*. In his first three years he won the historical prizes offered by the Colonial Dames for the best essays on the colonial history of North Carolina. Two of his articles, "A Colonial History of Rowan County, North Carolina" and "The Provincial Agents of North Carolina," were published by the history department in the *James Sprunt Historical Publications*.

Numerous honors were given him. He was a member of the Dialectic Literary Society and an assistant editor of the *University Magazine*. He served as historian of his class in both his junior and senior years, as vice-president of his class in his senior year, and as vice-president of the junior law class. Because of his literary ability he was elected to membership in Sigma Upsilon and because of his scholarship in law he was elected to membership in Phi Delta Phi. He was a commencement marshal in his junior year and a commencement ball manager in his senior year.

Sam has maintained a close relationship with the University. He was a member of the Board of Trustees in 1932-33 and 1945-46. He was president of the General Alumni Association in 1947-48; was awarded an honorary doctor of law degree from the University in 1951; and was presented the Distinguished Alumnus Award on University Day, October 12, 1973. He once said, "I owe so much to Carolina that I cannot specify any aspect of my personality or life which was not influenced very much by the friendships and teachings I had there."

Commencement was cancelled for him and other volunteers and they were given their diplomas early to enter the Army.



Sam entered the Army on May 15, 1917, and remained in military service until April 26, 1919. He received military training at Fort Oglethorpe, and spent eighteen months in France, serving with Company I, 28th Infantry, First Division, a unit which suffered 94 battle deaths. At Cantigny, France, on May 28, 1918, he was in the first battle fought by American troops in World War I. He was awarded the Silver Star for gallantry under this citation:

General Orders No. 26. Headquarters, First Division, American Expeditionary Forces. June 15th, 1918. Extract. The Division Commander cites the following officers and men of the 28th Infantry for conspicuous gallantry in action during the operations connected with the capture and defense of Cantigny, May 27th-31st, 1918 . . . Private Samuel J. Ervin, Company I, 28th Infantry, with exceptional courage and perseverance, led a carrying party through heavy fire; he made several trips from the rear to the front until wounded. By command of Major-General Bullard.

In July, 1918, in the Aisne-Marne offensive, Sam was severely wounded by a shell fragment while leading an advance party in an attack upon a German machine gun. For extraordinary heroism on this occasion, he was awarded the Distinguished Service Cross under this citation:

Distinguished Service Cross citation. Samuel J. Ervin, Jr., (Army serial No. 307,891), formerly private, Company I, 28th Infantry, First Division, American Expeditionary Forces. For extraordinary heroism in action near Soissons, France, July 18, 1918. During the attack when the leaders of the two other platoons of his company had become casualties, Pvt. Ervin displayed marked courage and leadership in assisting his platoon commander in reorganizing those platoons and in fearlessly leading one of the platoons through heavy enemy artillery and machine-gun fire to the capture of the objective. Upon arriving at the objective they were swept by terrific fire from an enemy machine-gun nest which inflicted heavy casualties. Pvt. Ervin called for volunteers and led them in the face of direct fire in a charge upon the machine-gun nest until he fell severely wounded in front of the gun pit, but two members of the party reached the machine-gun, killed the crew and seized the gun. After being wounded he crawled back to the firing line and organized an automatic rifle post and refused to be evacuated until danger of counter-attack had passed. Pvt. Ervin's gallant

conduct in this action exemplified exceptional courage and leadership and was an inspiration to his comrades.

In addition, Sam was awarded the Purple Heart with one Oak-Leaf Cluster because of wounds received in action and the French Fourragere as an individual decoration in recognition of his presence in the 28th Infantry on each of the occasions for which it was cited in French Orders of the Army.

For the Ervins the two years that Sam was in the Army were a very long and trying two years. The older members of the family knew something of his military training because he wrote home about it. For example, in a letter to Father from Chattanooga, Tennessee, on July 9, 1917, he wrote:

We have had quite a busy day since reveille sounded at 5:15 this morning. After sweeping barracks, morning mess, etc., we fell in line with full marching packs at 6:45 and hiked about three and a half miles where our battalion took up a defensive position. We were followed by the second battalion which attempted to dislodge us, but we were so well concealed that the "enemy" would have been completely wiped out if in actual combat. I never realized before what complete protection khaki affords when there is a great deal of green around.

We returned to camp at 12:15, and mess and our rest period being over, we practiced giving firing commands from 1:30 until 3:30. From 3:30 until 4:30 the company studies the "Manual of Courts-Martial." We also are required to study the manual individually to-night

Training is scheduled to cease August 11, and for the ten days preceding the termination, we will engage in sham battles with the training camp at Fort McPherson, Georgia, marching southward to meet them. At present, I think that we shall have two weeks leave of absence after the termination of training. Only about a third will be called to active service September 1st. The others will be placed on the reserve until called for, or discharged altogether. Therefore practically all of us will be enabled to go home for a while anyway at the end of camp. Of course, I would be delighted for you and Mamma to come to see me, if possible.

There are now some fifteen or sixteen thousand men in uniform at the various cantonments around Fort Oglethorpe, and more cantonments are being erected as rapidly as possible.

I went over to the Fort to hear the German prisoners give a

band concert Sunday evening. There are about five hundred of them.

Russia's vigorous reentry into the struggle is certainly encouraging.

I am quite well. Love to all.

Devotedly,

Sam

A large picture of Sam in uniform hung on the living room wall, and on the front porch a banner with one star on it indicated that one son was overseas in the war. Father subscribed to the *New York Times* to keep up with the fighting. I was too young to be interested in the newspaper, but our brother John and our cousin Haney each morning ran up the road to meet the postman, persuaded him to let them have the paper, and hid behind the shrubbery to hurriedly glean the news. Then they folded the paper neatly and brought it to Father just as he was beginning to express his annoyance about the delay.

Sam was good about writing letters home. I was thrilled to receive one containing a French coin and an inquiry about my cat. In a letter to Catharine from a hospital setting he wrote with humor.

It is a great relief to escape "down street" and realize that the inhabitants of this cold and cruel world do not consist entirely of the lame, halt, and blind. I am almost as well as ever, tho [*sic*] it will probably be some days before I shall find exceedingly great delight in hiking twenty-five kilometers with a seventy pound pack. By the way if you can possibly find copies of *Collier's Weekly* for the latter part of August, you may take pleasure in reading of a real scrap I witnessed. The account is written, I understand, by a correspondent who went "over the top" with us. And if the story should affirm that the boys sang the "Battle Hymn of the Republic" or "Onward Christian Soldiers", don't believe it. The only songs I heard were "Hail, Hail the Gangs all Here" and "Where do we go from here, Boys."

The war days most difficult for us were the days our letters to Sam were returned with a notation that he could not be located. However, the next letter from him would relieve our anxiety. The hospital unit in which he was recovering from wounds, being near the front lines, must have been relocated frequently because many

letters to him were returned to us. On October 3, 1918, Mother wrote to Joe in Chapel Hill asking him to return a letter from Sam about not receiving his mail while in the hospital. She explained that Father wanted it so he could write to the War Department to urge a way be found for wounded soldiers to receive mail from home at a time when it would do them some good.

On January 19, 1919 Father wrote Colonel E. M. House requesting information about Sam. The reply came from Lieutenant Colonel Royal Reynolds.

Your letter of January 19 to Col. E. M. House was forwarded to me requesting that I inform you to the condition of your son S. J. Ervin, Jr. who was a member of Company I 28th Inf.

Your son is at present at the annex (annex is Hospital 27) of this Hospital (Base Hospital 85) awaiting evacuation to the U.S. as a Hospital patient. He is not bed fast but is able to be up and around, and is as well as could be expected under the circumstances.

In writing to Joe at Chapel Hill on March 17, Mother copied the letter from Lieutenant Colonel Reynolds as a part of hers and added that Sam had written he would be sent to an embarkation port about February 18, that he was all right and hoped to be with us before a great while.

About this same time Mother wrote Joe again:

Just a note to say we heard from Samuel. Base Hospital No. 27 has been moved to Convalesant Camp Base Hospital No. 85. We saw this hospital had been ordered to U.S.A. but whether Samuel is to be with it I do not know. He said he had been *booked* for U.S.A. 2 mts. ago . . . There is nothing to do but be patient. Your Father heard from 28th Regt. They said Samuel's coming home would have to go through regular military channels but they would do what they could to have him returned. He had not heard from home. Date 28th Jan.

In an undated letter postmarked April 19, 1919, Mother wrote Joe again, "If we hear from Samuel again soon, will let you hear."

So in another undated letter postmarked April 22, 1919, she wrote: "A telegram from Senator Simmons's secretary said Samuel was at Camp Merritt, N. J. this a.m. at 10 o'clock awaiting orders to go to Camp Lee to be discharged. So guess it will be some days yet before he gets home.

I remember well the spring day he came home. I was in the fourth grade. The principal appeared in the classroom door and told me my brother was coming home on the 1:15 train and I could go home if I wanted to. Indeed I did want to. I ran all the way—more than a mile. I was breathless but I was there when he arrived in an open car driven by Cousin Frank Tate. He was wearing his uniform and looked like his picture in uniform on the living room wall. When I examined his steel helmet, I found a piece of chocolate candy mashed and hardened underneath the leather band. When the troops had to advance, he put it there for a future time, and forgot it.



Sam was admitted to the North Carolina bar on August 18, 1919. The next month he entered Harvard Law School where he was granted the Bachelor of Law degree in 1922. He engaged in the practice of law with our father from 1922 to 1937 and tried numerous important cases in the state and federal courts and in the Supreme Court of North Carolina. He was admitted to the bar of the Supreme Court of the United States on January 17, 1934.

Governor Clyde R. Hoey appointed him judge of the superior court of North Carolina on January 9, 1937. That afternoon our sister Catharine wrote in her diary: "Sam has all the qualifications to make a splendid Judge. He is a student of law, he loves justice and is a friend of mankind; he is sympathetic and charitable." Two days later, January 11, at 7:45 a.m. Mother, Father, and Catharine went next door to Sam's and Margaret's to see him take the oath to administer justice. Sam's family and a few Morgantonians were present for the swearing in at which Joseph Buckley administered the oath. Immediately afterward Sam departed for Charlotte where he held court for approximately two months.

As a superior court judge without an assigned district of his own he traveled from the mountains to the sea to relieve crowded court dockets. He remained a superior court judge for seven years until December 31, 1943, when he decided to practice law again. Then in February, 1948, he was appointed associate justice of the Supreme

Court of North Carolina by Governor Cherry. During the next six years he wrote precise, quotable, sometimes colorful legal decisions.

Later when no longer a justice, he participated in a number of important arguments before the Supreme Court of the United States. Margaret and I went to hear him in the National Labor Relations Board versus Darlington Mills case. How proud I was!

We were proud of him long before that. On October 12, 1924, I wrote to our sister Catharine in Richmond: "Papa went to Newland today to attend Avery Court. Sam and Papa certainly have been busy the last two weeks because Burke Court was in session until yesterday. There has not been a single case in which they have not appeared and they have won every case except one and . . . in that case there was a mistrial as two witnesses did not agree with the other ten. It will be tried next term of court. Arn't [*sic*] you proud of your father and Sam?"

Sam has long been affiliated with legal organizations. He holds membership in the Burke County Bar Association, District Bar of the Sixteenth Judicial District, North Carolina Bar Association, and American Bar Association. He served as vice-president of the North Carolina Bar Association in 1931 and 1932; was a member of the North Carolina State Board of Law Examiners, 1944-46; chairman of the North Carolina Commission for the Improvement of the Administration of Justice, 1947-49; member of the National Commission on Reform of Federal Criminal Laws, 1966-71. He is an honorary member of the Virginia State Bar and the St. Louis Bar Association.



Now a flashback to the year 1916. Most Morgantonians think of 1916 as the year of the great flood, but that was also the year that Margaret Bruce Bell visited her uncle in Morganton, the year Sam fell in love. Cars were open and slow moving in those days so when friends took Margaret on a tour of the town, Sam saw her. Fifty-seven years later he was quoted in the *Washington Star* as saying, "The

first time I saw her she was riding around in an automobile and I was struck by her—first by her looks—then a day or two later I met her and I've been in love with her ever since."

Their courtship lasted eight years during which there was university study, war, law school, and the establishment of a law practice for him, and college, travel, and teaching civics and English in Concord High School for her. Margaret was graduated from Converse College in 1919 with a Bachelor of Arts degree. At Converse she was president of the Young Women's Christian Association, a member of Enigma Club, a member of the Senior Order, and was elected to Mortar Board because of high scholastic standing.

Margaret and Sam were married at the First Presbyterian Church in Concord on June 18, 1924.

Sam says of her: "It's very hard to describe the traits of a person who is perfect. Margaret has an excellent mind—a wonderful mind—and a wonderful spirit—and an almost uncanny ability to distinguish between things which are important and things which are unimportant and things which are right and things which are wrong and things which are wise and things which are foolish."

"She has been my sweetheart, my wife, and my guardian angel for many years, and no matter how much stress I feel during the day, she makes home a haven of peace. If I've ever done anything worthwhile, it's due to the fact that she always stood beside me in shadow as well as sunshine."

Their fifty-sixth wedding anniversary was June 18, 1980.



One Sunday night in June, 1954, at a small dinner party in Storrs, Connecticut, a friend asked if I had heard any news from Morganton over the weekend. When I replied that I had not, he said that he had been half asleep while listening to the eleven o'clock news the night before but he thought he had heard that a man named Ervin from Morganton had been appointed to the United States Senate. He added, "Now don't get excited. I could be wrong. I was half asleep. You would have heard if it were true."

The next morning I bought the Sunday edition of the *New York Times*, scanned it and found no mention of the appointment. On Tuesday the postman brought a letter from Mother in which she said, "We are very pleased about Samuel," but she didn't say why.

I thought perhaps Sam had been appointed to the Senate. I considered sending a telegram of congratulations, but to congratulate him when I didn't really know what I was congratulating him for would be awkward, so I waited.

On Wednesday night I answered the telephone to hear a familiar voice say, "By the way, I'm being sworn in to the United States Senate on Friday at noon and there's to be a luncheon. I hope you can come." I went.



The Senate years were busy ones. Although Sam claims to be a peace-loving man, he was almost consistently in controversy. He fought for the rights of the mentally ill. He fought for the rights of the American Indian. He fought for freedom of the press. He fought for freedom from excessive bail. He fought for defeat of the prayer amendment. He fought for privacy of government employees. He fought against preventive detention. He fought against no-knock laws. He fought against the Army's civilian intelligence operation.

He was a member of three important committees of the Senate: Government Operations Committee, Judiciary Committee, and Armed Services Committee. He was chairman of the Government Operations Committee, 1973-74; chairman of three subcommittees of the Judiciary Committee—Constitutional Rights, the Separation of Powers, and the Revision and Codification of the Laws; and chairman of the Armed Services Committee's Subcommittee on the Status of Forces Treaty. He was a member of the Select Committee on Improper Activities in the Labor or Management Field, a member of the Select Committee on Equal Educational Opportunity, and a member of the Advisory Commission on Intergovernmental Relations. In addition, his first year in the Senate, 1954, he was a member of the Select Committee to Study Censure Charges against Senator Joseph McCarthy, and in 1973-74 chairman of the Select Committee on Presidential Campaign Activities.



While Sam and the Senate Committee were solving the Watergate mystery, I had a number of interesting experiences resulting from their activities. Perhaps the most colorful occurred in West Virginia the morning after the "Saturday night massacre" when I met an American Indian couple, Wallace and Minnie Craven. A friend and I had spent the weekend with Dr. Dorothy Roberts in Elkins and were on our way back to Charlottesville Sunday morning when a tire went flat as we approached the top of the first of seven mountains. I tried the old-fashioned way of jacking up the car but it didn't work. While we were considering what to do, a jeep came up the mountain and stopped. The driver and his wife dressed in their Sunday clothes got out. They were on their way to the cemetery over the mountain to the graves of their parents and grandparents, a trip they took every Sunday. The driver offered to go back down the mountain to find somebody to change the tire, and my friend, desirous of assuring success in locating help, went with him and left his wife with me. While they were gone, Mrs. Craven showed me pictures of the small gravestones of their ancestors, and we talked of many things including the events of the night before. She expressed regret that she did not have her Watergate scrapbooks with her. "You should see them!" she said. She had cut out every clipping she could find from newspapers and *Time* magazine, glued them on pages for the scrapbook, and ironed them with a flat iron to preserve them. She was on her third scrapbook. She described the members of the Watergate committee and exclaimed joyously, "The one I just love is that Pappy." Convinced that "Pappy" was the chairman, I admitted my relationship to him. Delighted at this news, she threw her arms around me and kissed me, said she could hardly wait to tell her husband, causing me to wonder what his reaction might be. It was calmer. He shook my hand vigorously. When the tire was changed, they went their way, and we ours.

Within a few days Margaret and Sam and I were invited to a

dinner party in Washington. During the evening I had an opportunity to tell Sam about the flat tire episode. He took pen and paper from his pocket and asked for the Cravens's address which I had brought with me, knowing that he would ask for it and thinking how thrilled the Cravens would be to receive a letter from "Pappy."



What a hey-day the period of Sam's years in the United States Senate was for cartoonists. He is so cartoonable. I couldn't find this word in the dictionary so I created it. You know what it means, don't you? As soon as Sam arrived in Washington in 1954, the *Asheville Times* carried an amusing cartoon which showed numerous senators hiding under their desks in the Senate to avoid being appointed to the Select Committee to Investigate Censure Charges Against Senator Joseph McCarthy. The only Senator seated properly and unafraid at his desk was the new Senator from North Carolina, Senator Sam.

Gib Crockett really had a hey-day! On April 18, 1973, in the *Washington Star* one of his cartoons depicted Sam as a waiter serving a plate of crow to President Nixon and saying, "Today's Special, Mr. President."

On another day Gib Crockett in the same newspaper depicted Sam as a policeman knocking on the door of the White House Executive Office and holding a large club on which was written the word, "Subpoena." The caption was "Open up, in the Name of the Senate."

My favorite cartoon, also by Gib Crockett, hangs in Sam's office. The date on it is December 13, 1974. Sam is standing with Mr. Public outside his Washington Senate Office, Room 337. On the door is a sign which reads "Gone Fishing (for good)" and in his hand is a copy of the United States Constitution which he is handing to Mr. Public. The caption reads: "Take care of it and it will take care of you."

There are more. Twenty-four hang on the wall in the passageway outside the television room in Margaret's and Sam's home.



The *Congressional Record* during his time in the Senate was filled with his ideas: "The supreme value of civilization is the freedom of the individual"; "a people who do not heed the lessons which history teaches are doomed to repeat the mistakes of the past"; and "not its vast territory, not its farmlands, its industry, or its military might, but its Constitution is America's greatest asset."

Newspapers, news magazines, radio, and television reported on his activities and speeches during his years in the Senate, and continue to do so. Graduate students have written master degree theses and doctoral dissertations about him. Strangers, some of whom ask for autographs, speak to him in public places. So much has been written and spoken about him that to house my collection of Samiana I had to acquire an additional filing cabinet. Of all the material I have about him, I especially like three items. I like Hans Knight's "Senator Sam: Keeper of the Flame," in which he says, "... when the anguished nation, confused by intrigue, surfeited by scandal, yearned for a hero, a single human who could offer dignity, sanity, and self-respect . . . he was there." I like George F. Will's "Let Us Praise This Rare Man," *Washington Post*, December 17, 1974, in which he says:

So now, as he takes leave of us, let us praise this rare man whose fame though great, does not match his great virtues, a man every bit as fine as his nation affectionately thinks he is.

Washington will be diminished by his departure. But the bittersweet sense of loss we feel is the price we pay for having had for so long, but not nearly long enough, the pleasure of his enlarging company.

And I like Philip B. Kurland's words of dedication in *Church and State: The Supreme Court and the First Amendment*, University of

Chicago Press, 1975, which are:

To
Sam J. Ervin, Jr.,
whose Senatorial career
epitomized service to the ideal once
expressed by his predecessor

Daniel Webster:

“This is a Senate of equals, of men of individual honor and personal character and of absolute independence. We know no masters, we acknowledge no dictators.”

Cartoonists have had a hey-day with his ideas but he has hit the jackpot with honorary degrees, twenty of them. Awards, honors, and invitations have come to him, too. He treasures them all and brings the awards home for Margaret to find a place to put them. Thus far he has accumulated about sixty.



At Christmas time, 1974, Sam and Margaret returned to Morganton to reside in their own home, read, do some historical research, go fishing, watch the sunset in its indescribable glory behind Table Rock and Hawk's Bill Mountain, and live among the people who have known them best and loved them most.

“Does your brother enjoy his retirement?” is a question frequently asked of me. My reply is that he hasn't retired; he has just changed jobs, he gives lectures, practices law selectively, and writes.

Not long ago someone said to Sam, “No doubt you will be in future history books. How do you feel about that possibility?”

His reply was, “I hope it won't be anytime soon.”

Now Kentucky Colonel, Arkansas Traveler, Admiral of the New River, Honorary Mayor of San Antonio, Country Lawyer, Dear Brother, we also hope it won't be anytime soon.



DR. JONES:

This year's North Caroliniana Society Award for adjudged contributions to the literature and culture of North Carolina is the third, and by coincidence busts of all three of our recipients have been sculpted by William E. Hipp III for the Di-Phi Societies and are on display here in the hall. We express our appreciation to the Di-Phi Societies and to Bill Hipp for their kindness in exhibiting them on this occasion. In addition, there is on the main floor of Wilson Library an exhibit on Senator Ervin, arranged by Alice Cotten of the North Carolina Collection. The Library will be open until 11:00 o'clock tonight in case any of you wish to go by.

Now we come to the presentation of the 1980 North Caroliniana Society Award—a simple certificate, its simplicity representative of our belief that a unique quality of our recipients is not personal gain but public service. Normally the presentation is made by the president of the Society, Professor William S. Powell, but Bill has explained that when children get a certain age, *their* schedule becomes the parents' schedule, and this was a week when Bill and Virginia had to yield to the younger generation. Appropriately, however, the presentation will be made by one of the Society's founding members and its newly elected vice-president.

Who besides Archie Davis could rise to leadership in the American financial community—as head of the largest banking firm in the South, as president of the American Bankers Association, as president of the United States Chamber of Commerce, as a director of one after another of the nation's most powerful corporations, as the father of the National Humanities Center in the Research Triangle—and all the time harbor a secret: a consuming desire to return to his Alma Mater and work toward graduate degrees in history. And who but Archie Davis, when other men might have retired to a life of golf and ease, would fulfill that desire? North Carolina's most dedicated goodwill ambassador, the biographer of Henry King Burgwyn, Jr., and the vice-president of the North Caroliniana Society, Archie K. Davis.



ARCHIE K. DAVIS:

It is difficult for me to convey to you the degree of my gratitude for the privilege of presenting the North Caroliniana Society Award to our beloved friend, Sam Ervin.

When it comes to Sam Ervin, some kindly disposed providence has always put me in the right place at the right time to say what I think of our illustrious Senator Sam.

Such was particularly the case on May 1, 1966, in our nation's capital when he was honored by the George Washington Society.

And now, on June 20, 1980, I was elected vice-president of the North Caroliniana Society just this afternoon so that I might appropriately substitute for our president, Bill Powell, who is unavoidably absent tonight.

Unhappily for me, being the last on the program—and so much already having been said about the Senator—I am constrained to choose my words carefully and speak directly to the point.

The genius of Sam Ervin lies not so much in what he has accomplished, but rather in the nature and the character of the man that he is.

In contemplating his life—in terms of his chosen profession and of his devotion to public service—we obviously stand in awe of his tireless energy and prodigious capacity for work. As lawyer, jurist, legislator, Congressman, and United States Senator, he has established a reputation for distinguished service second to none and matched by few in the history of North Carolina.

His deeds, therefore, command our abiding respect and everlasting gratitude. But it has been his dedication to principle, his high sense of integrity, his forthrightness of purpose, his steadfastness, his persistency in pursuit of justice, and, finally, his selfless motivation in the name of service to his state and to his nation, that cause us to pause and to bow in humility to a man whose precept and example

have had such a profound impact upon the minds and hearts of those privileged to know and observe him.

Senator Sam and Margaret: Although we are assembled here to honor you, indeed, it is you who have long honored us. For many years we in North Carolina have basked in your reflected glory. Now comes the time to acknowledge our debt.

Senator, on behalf of the members and friends of the North Caroliniana Society, it is now my privilege and high honor to present to you this expression of esteem and affection. Your long life of service as scholar, jurist, and statesman has brought rare credit to us all, and you stand tonight in the midst of those who are deeply grateful for this opportunity of demonstrating the depth of their gratitude and the warmth of their affection.

May I now read the citation:

The North Caroliniana Society,
in recognition of his public service and
of his promotion, enhancement, production, and
preservation of the literature of his native state,
presents its
North Caroliniana Society Award
to
Sam J. Ervin, Jr.
June 20, 1980





MY GRATITUDE TO THE UNIVERSITY AT CHAPEL HILL

By Sam J. Ervin, Jr.

I am grateful to the North Caroliniana Society for selecting me to be the recipient of its award; to my good friends, Harry Gattton, Dan Moore, and Albert Coates, and my sister, Jean, for their eloquent, generous, and unmerited praise; to my good friend, Archie Davis, for his gracious presentation of the award to me in behalf of the Society; and to the good friends and devoted relatives who constitute the audience and grace this occasion and honor me by their presence.

It seems appropriate for me in accepting the award to express my gratitude to the University at Chapel Hill for the precious privileges it extended to me as a student from 1913 through 1917.

I am grateful to the University for four carefree, joyous, and golden years. During them I had rewarding associations and formed enduring friendships with hundreds of the finest collegemates the Good Lord ever created. When the bugles sounded war in April, 1917, all of them who were able-bodied and of military age laid their educational pursuits aside, and answered the call to the colors because they loved their country. During the ensuing hostilities some of them, such as Samuel Iredell Parker, James Graham Ramsay, and Edward L. Spencer, were decorated for heroism in battle, and some of them, such as John Oliver Ramson and Hubert McCree Smith, "Gave their merry youth away for country and for God." Most of them have now journeyed to the "undiscovered country from whose bourn no traveller returns." They will live in my recollection, however, as long as my memory lasts.

I am also grateful to the University for the inspiring chapel talks President Edward Kidder Graham and his contemporaries, such as Dean Marvin Hendrix Stacy, Dr. Billy Noble, Dr. Charlie Mangum, and Parson Moss, made to us in Gerrard Hall at the beginning of each day of instruction.

I am also grateful to the University for permitting me to sit at the feet of the truly great and inspiring teachers who composed its faculty at that time. Among them were George Howe and Wilbur Royster, teachers of Latin; Collier Cobb, teacher of geology; Charles Lee Raper, teacher of economics; Horace Williams, teacher of philosophy; Edwin A. Greenlaw, Johnny Booker, J. H. Hanford, and Norman Foerster, teachers of English literature; Daniel Huger Bacot, J. G. deRoulhac Hamilton, Henry McGilbert Wagstaff, and William Whatley Pierson, Jr., teachers of history; and Lucius Polk McGhee, Atwell Campbell McIntosh, and Patrick Henry Winston, teachers of law.

In combination they made meaningful to me Joseph Addison's aphorism: "Education is a companion which no misfortune can depress, no crime can destroy, no enemy can alienate, no despotism can enslave."

George Howe and Wilbur Royster were unable to make a Latin scholar of me. They nevertheless stand out in my recollection, Howe as a man of gentility and Royster as a man of intellectual integrity. Collier Cobb was an authority in geology. While I have forgotten much of what he taught about the earth's structure, I remember and strive to practice daily the truth he exemplified so well, i.e., that a good sense of humor can convert our leaden hours into golden moments.

Charles Lee Raper did not belong to the devastating school of economists who promise an "abundance for all by robbing selected Peter to pay collective Paul." On the contrary, he preached the economic truths that earth yields nothing to man except the products of his own labor, and that free men cannot be induced to provide goods or services of value unless they are allowed to retain a fair share of the fruits of their labor for themselves, their families, and the causes they hold dear.

When Judge Robert Winston returned to Chapel Hill as a student at the age of sixty, he correctly called Horace Williams the "Gadfly of Chapel Hill." Horace Williams undertook to persuade

those who sat at his feet to employ their minds to test the soundness of all ideas, and to be willing to follow the truth they discovered by so doing wherever it led them. I hasten to add that during my senior year, the "Gadfly of Chapel Hill" spoke with eloquence to the greatest class the University ever harbored, the class of 1917, upon the subject: "The kind of Girl a Carolina man should marry."

By revealing to me some of the beauty and wisdom in literature, Greenlaw, Booker, Hanford, and Foerster indelibly implanted in my mind this exhortation: Make books your friends, for by so doing you can summon to your fireside the choice spirits of all the ages. Greenlaw unlocked for me the magic of Shakespeare; and Booker taught me that poetry is the most beautiful, expressive, and effective way of saying things because it is music in words.

I took a course in American history under Bacot; courses in North Carolina and constitutional history under Hamilton; a course in English history under Wagstaff; and courses in the histories of the French Revolution, the Renaissance, and the Reformation under Pierson.

On Halloween some mischievous students conducted a cow up the steps to Professor Bacot's lecture room on the second floor of the Old West Building and tied her to his desk. When he entered his lecture room the next morning at 8:30 o'clock, the professor found the cow and all his students awaiting him. He took one fleeting glance at the cow, and remarked: "Young gentlemen, I am pleased to observe that the intellectual strength of my audience has increased so much since my last lecture." He then proceeded to lecture for an hour on American history, without paying the cow any heed.

Bacot, Hamilton, Wagstaff, and Pierson taught me that history affords the best guidance to those who engage in public affairs; that this is so because history is the torch of truth, and as such is forever illuminating across the centuries the laws of right and wrong; and that in consequence any nation which ignores the lessons history teaches dooms itself to repeat the errors of the past. As my preceptor in North Carolina history, Hamilton convinced me that our state is the habitat of gallant souls; and as my preceptor in constitutional history, he persuaded me that one cannot understand the institutions of today unless he understands the events of yesterday which brought them into being.

My fascination with government and law really began in my

sixteenth year when my father, another old country lawyer, encouraged me to read Cooley's *Constitutional Limitations* and Blackstone's *Commentaries on the Laws of England*. As the result of further encouragement on his part, the lectures of McGhee, McIntosh, and Winston in the Law School, my subsequent studies at Harvard Law School, and my own research, I absorbed some everlasting truths respecting government and law. These truths have been enshrined by others in these matchless phrases:

1. A public office is a public trust. (Grover Cleveland)
2. Governments [derive] their just powers from the consent of the governed. (Thomas Jefferson)
3. Where law ends tyranny begins. (William Pitt, the elder)
4. Whatever government is not a government of laws is a despotism, let it be called what it may. (Daniel Webster)
5. It is best that laws be so constructed as to leave as little as possible to the decision of those who judge. (Aristotle)
6. Freedom is political power divided into small fragments. (Thomas Hobbs)
7. When we resist therefore the concentration of power, we are resisting the processes of death, because the concentration of power is what always precedes the destruction of human liberties. (Woodrow Wilson)
8. Experience teaches us to be most on our guard to protect liberty when the government's purposes are beneficent. (Louis D. Brandeis)

During my twenty years in the Senate I was faithful to these everlasting truths, and sought to persuade my colleagues to conform their official acts to them. Sometimes I succeeded in my endeavors. At other times, I found myself in a minority, and suffered defeat, usually at the hands of those who are bent on concentrating all substantial governmental powers in Washington and delegating their enforcement to unelected and unrestrained—and often unenlightened and tyrannous—bureaucrats far removed from the people.

I survived these defeats and remained an incorrigible optimist by laying to my soul the flattering unction in these words of Edwin Markham:

“Defeat may serve as well as victory to shake the soul and let the glory out.”

As I close this phase of my remarks, I praise the University for

its fidelity to its motto: *Lux et libertas*. Ever since Hinton James matriculated as its first student in 1795, the University has disseminated light and championed liberty.



The invitation which brought the members of the audience to this gathering stated that it was designed to mark my acceptance of the North Caroliniana Society Award and to celebrate the 56th anniversary of my marriage to "Miss Margaret."

I met and fell inescapably in love with "Miss Margaret" before I heard Horace Williams talk about the kind of a girl a Carolina man should marry. When he made that talk, however, I found she fitted his prescription completely.

I associate "Miss Margaret" in my mind and heart with poetry and other things of beauty and nobility. On this occasion, I associate two poems—John Charles McNeill's "The Bride" and Robert Burns's "John Anderson"—with her. I quote the last stanza of "The Bride":

For days that laugh or nights that weep
You two strike oars across the deep
With life's tide at the brim;
And all time's beauty, all love's grace,
Beams, little bride, upon your face
Here, looking up at him.

Fifty six years ago day before yesterday, "Miss Margaret" and I struck "oars across the deep with life's tide at the brim." Ever since she has been my inspiration and ministering angel.

The Good Lord has blessed us with three children and seven grandchildren of whom we are intensely proud. By some quirk of the Presbyterian doctrine of predestination, our son, Sam, was predestined to seek his bachelor's degree at Davidson and his law degree at Harvard. But our daughters, Leslie, who is now Mrs. Gerald M. Hansler, of Pennington, New Jersey, and Laura, who is now Mrs. William E. Smith, of Morganton, had the good sense to come to the University for their education.

I find supreme happiness at this moment in the hope that "Miss Margaret" entertains feelings for me akin to those expressed by the Scottish wife for her aging husband in Robert Burns's "John Anderson."

John Anderson my jo, John,
When we were first acquent
Your locks were like the raven,
Your bonnie brow was brent;
But now your brow is bald, John,
Your locks are like the snow;
But blessings on your frosty pow,
John Anderson my jo.

John Anderson my jo, John,
We clamb the hill thegither,
And monty a canty day, John,
We'd had wi' ane anither;
Now we maun totter down, John,
But hand in hand we'll go,
And sleep thegither at the foot,
John Anderson my jo.



NORTH CAROLINIANA SOCIETY, INC.
North Carolina Collection
UNC Library 024-A
Chapel Hill, North Carolina 27514

Chartered on September 11, 1975, as a private nonprofit corporation under provisions of Chapter 55A of the *General Statutes of North Carolina*, the North Caroliniana Society has as its main purpose the promotion of increased knowledge and appreciation of North Carolina heritage through studies, publications, meetings, seminars, and other programs, especially through assistance to the North Carolina Collection of the University of North Carolina Library in the acquisition, preservation, care, use, and display of, and the promotion of interest in, historical and literary materials relating to North Carolina and North Carolinians. The Society, a tax exempt organization under provisions of Section 501(c)(3) of the Internal Revenue Code, depends upon the contributions, bequests, and devises of its members and friends.

Consisting of fewer than a hundred distinguished North Carolinians, the Society elects, subject to their acceptance, additional individuals meeting its criterion of "adjudged performance," thus bringing together men and women who have shown their respect for and commitment to our state's unique historical, literary, and cultural inheritance.

The North Carolina Collection, the headquarters for the North Caroliniana Society, has been called the "Conscience of North Carolina," for it seeks to preserve for present and future generations all that has been or is published about the state and its localities and people or by North Carolinians, regardless of subject. In this mission the collection's clientele is broader than the University community; indeed, it is the entire citizenry of North Carolina as well as those outside the state whose research extends to North Carolina or North Carolinians. Its acquisitions are made possible by gifts and private endowment funds; thus it also represents the respect that North Carolinians have for their heritage. Members of the North Caroliniana Society will have a very special relationship to this unique institution which traces its beginning back to 1844 and which is unchallenged as the outstanding collection of printed North Caroliniana in existence. A leaflet, "North Carolina's Literary Heritage," is available without charge from the Collection.

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